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Supreme Court Of The United States

OCTOBER TERM, 1935

NO. 859

C. L. ASHTON, ET AL.,

Appellant,

vs.

CAMERON COUNTY WATER IMPROVEMENT DISTRICT NUMBER ONE,

Appellee.

Appeal from The United States Circuit of Appeals
For the Fifth Circuit

BRIEF OF AMICUS CURIAE

GEORGE M. CORLETT,
Attorney.

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To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:

Comes now George M. Corlett, an attorney at law authorized to practice before this Honorable Court and respectfully prays that he be privileged to submit the follow-

ing comments in the above entitled matter on behalf of several municipal organizations of the State of Colorado which have heretofore taken advantage of the relief privileges provided for under Section 80, Chapter IX of the Municipal Relief Act of May 24, 1934, and particularly on behalf of The San Luis Valley Irrigation District, serving an area of 65,000 acres of land located in the Counties of Rio Grande, Saguache and Alamosa in the State of Colorado; and The Terrace Irrigation District serving 13,000 acres of land located in Rio Grande and Conejos Counties, Colorado, on which proceedings are now pending under the provisions of said Act, before Honorable J. Foster Symes, Judge of the District Court of the United States for the District of Colorado, both public corporations similar in their organization, activities and administration to the Appellee in the case at Bar.

Your orator respectfully seeks the privilege of making a statement as a friend of the Court in support of this Act.

During the period from 1930 up to the present day, many public corporations incident to the partial or complete failure of tax returns upon which such public corporations are entirely dependent, have become so embarrassed financially as to make it impossible for them to longer continue to defray the expense of the operation of the plants maintained by such corporations for the use of the public served thereby.

Many families wholly dependent upon the continued maintenance of irrigation water supply, drainage, or other public service for their sustenance and support, would have been and will become public charges unless arrangements can be made for the refinancing or the financing of the current expenses and obligations of such corporations.

While tax collections during the past several months have materially increased in many sections and particularly in the State of Colorado and more particularly in the area in which The San Luis Valley Irrigation District and The Terrace Irrigation District, above mentioned,

are located, during the period from about the year 1930 up to the present time, accumulation of the defaulted principal and interest on bonded obligations, as well as deficits in maintenance and operation expense, now make it impossible for the districts affected to procure or secure the necessary funds for the actual operation of the plants heretofore operated by such corporations, unless relief can be obtained in such manner as is usually accorded to bankrupts and as provided under Section 80 of the Municipal Relief Act of 1934, and unless some such relief be provided for, many families wholly dependent upon the continued maintenance of such organizations will be thrown out of employment and become public charges of the communities in which they reside or the Nation as a whole.

The necessities are more pronounced than in the case of an individual debtor where one man or one family on failure to meet obligations might be made a public charge, because in the event of the failure of one of these public corporations, a multitude of men, women and children, many of whom are at fault in no way and the remainder of whom are at fault only because of the breaking down or collapse of taxpaying ability incident to conditions over which they have no control, are threatened with want and destitution because some creditor or some few creditors might be unwilling to accept a composition satisfactory to the great majority of the creditors of the taxing district.

We do not attempt to discuss or attempt to advise this Honorable Court on the legal aspects of the case and are unadvised as to the particular issues involved in this case, but do urge that favorable consideration be given this Act on account of the necessities affecting so many families and so many individual citizens, if this Court is able to find that the Act may be legally enforced.

Respectfully submitted,

GEORGE M. CORLETT,
Attorney.